

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID DIXON,

Plaintiff,

v.

SUMMIT BHC WESTFIELD LLC
d/b/a MOUNTAIN LAUREL
RECOVERY CENTER,

Defendant.

No. 4:19-CV-01267

(Judge Brann)

ORDER

AND NOW, this 2nd day of April 2020, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendant Summit BHC Westfield LLC's Motion to Dismiss under Federal Rule of Civil Procedure 4(m) and Federal Rule of Civil Procedure 12(b)(6) (ECF No. 5) is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Summit's motion to dismiss the complaint under Federal Rule of Civil Procedure 4(m) is **DENIED**.
 - b. Summit's motion to dismiss Plaintiff David Dixon's gender-discrimination claims in Count I and Count III of the complaint is **GRANTED**. These claims are **DISMISSED** without prejudice.

2. Dixon is granted leave to file an amended complaint on or before April 16, 2020.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge